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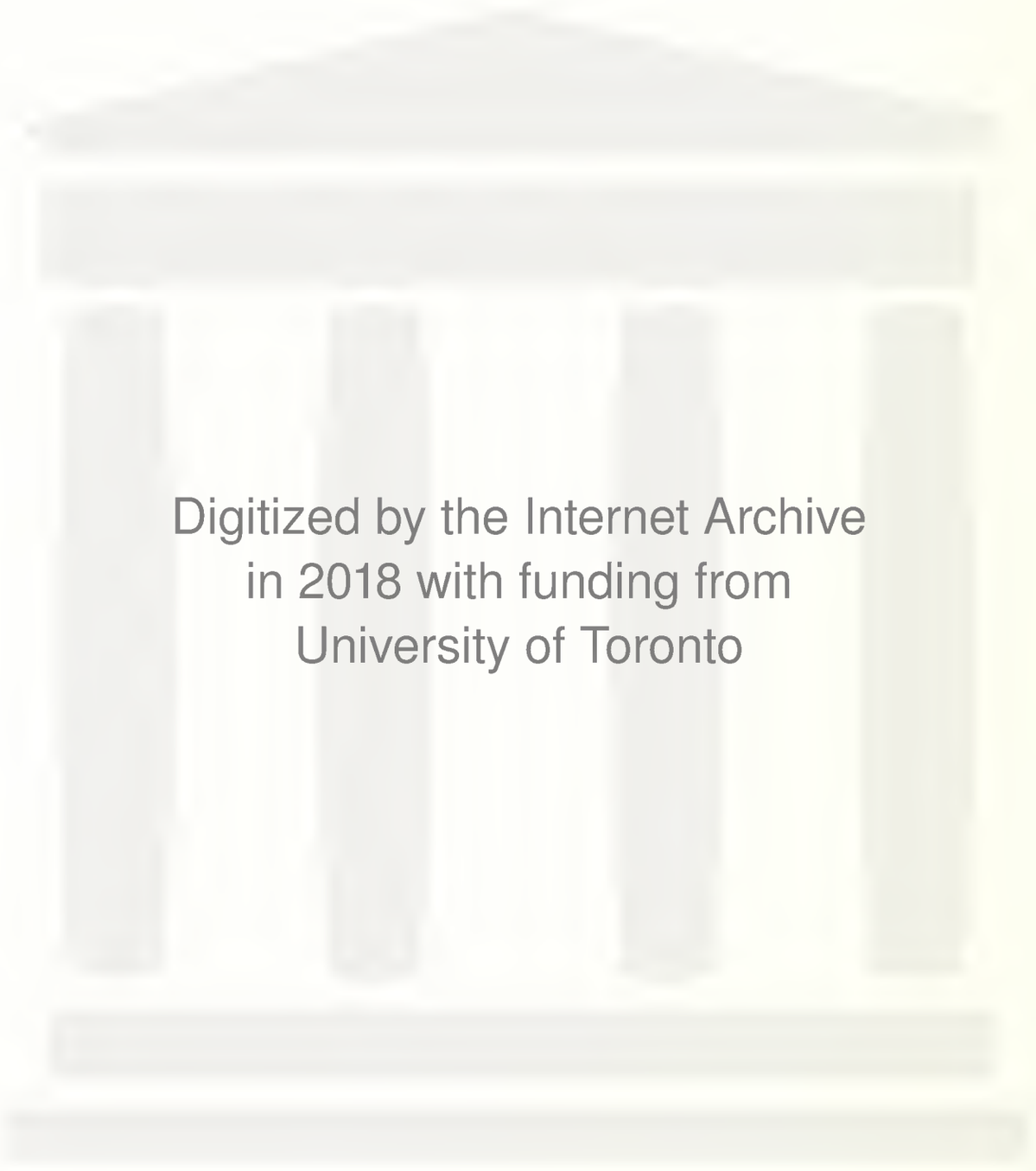
CRIMINAL PROCEDURE

Jonathan Dawe & John McInnes

Fall 2011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SYLLABUS

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JONATHAN DAWE
& JOHN McINNES

REQUIRED READING MATERIAL:

(i) 2011 *Criminal Code* (Tremeear's, Martin's, Gold's or any other current *Criminal Code*)

(ii) Stuart, Delisle & Quigley, Learning Canadian Criminal Procedure, 10th ed., Carswell

(iii) Dawe & McInnes, Supplementary Casebook, Fall 2011

I. JURISDICTION

(i) Courts and Classification of Offences

Criminal Code, ss. 2, 468-473 and s. 785

Stuart, Delisle & Quigley: pp. 1-11

Dawe & McInnes Supplement:

- *R. v. Dudley*, 2009 S.C.C. 58, 249 C.C.C. (3d) 421 1

(ii) Territorial jurisdiction

Criminal Code, ss.6 and 7; 470, 476 and 478; 504, 543 and 537(1)(a)

Stuart, Delisle & Quigley, pp. 15-32

Dawe & McInnes Supplement:

- *Ellis v. Ontario* (2009), 244 C.C.C. (3d) 438 (Ont. C.A.).....15

(iii) Jurisdiction over the person and offence, loss of jurisdiction

Criminal Code, ss. 485 and 485.1; 537(1) j & k, 544, 475 and 650, 650(1.1), 650(1.2) and 650.01

Charter, s.7 and s.14

Dawe & McInnes Supplement:

- *Côté & Vézina v. The Queen* (1986), 23 C.C.C. (3d) 481 (S.C.C.) 23
- *R. v. Cloutier* (1988), 43 C.C.C. (3d) 35 (Ont. C.A.) 35
- *R. v. Tran* (1994), 92 C.C.C. (3d) 218 (S.C.C.) 47
- *R. v. Simon* (2010), 263 C.C.C. (3d) 59 (Ont. C.A.) 73
- *R. v. James* (2009), 244 C.C.C. (3d) 330 (Ont. C.A.) 89

(iv) Change of Venue

Criminal Code, s. 599
Stuart, Delisle & Quigley: pp. 872-77

Dawe & McInnes Supplement:

- *R. v. Talbot* (1977), 38 C.C.C. (2d) 555 (Ont. H.C.J.) 93

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Criminal Code, ss. 117.02, 487, 487.1, 487.11, 489

Charter, s. 8

Stuart, Delisle & Quigley, pp. 37-58, 108-21, 135-208

(i) Section 8 Standards and Procedures

Dawe & McInnes Supplement:

- *R. v. Collins* (1987), 33 C.C.C. (3d) 1 (S.C.C.) 97

(ii) Departures from *Hunter* Standards

Dawe & McInnes Supplement:

- *Baron v. Canada* (1993), 78 C.C.C. (3d) 510 (S.C.C.) 109
- *Lavallee, Rackel & Heintz v. Canada (Attorney General)* (2002), 167 C.C.C. (3d) 1 (S.C.C.) 123

- *R. v. Simmons* (1988), 45 C.C.C. (3d) 296 (S.C.C.) 149
- *R. v. Stillman* (1997), 113 C.C.C. (3d) 321 (S.C.C.) [extract] 169
- *R. v. Caslake* (1998), 121 C.C.C. (3d) 97 (S.C.C.) 203

(iii)Reasonable Grounds and Remedial Issues

- *R. v. Debot* (1986), 30 C.C.C. (3d) 207 (Ont.C.A.) 215
- *R. v. Debot* (1989), 52 C.C.C. (3d) 193 (S.C.C.) 227
- *R. v. Araujo* (2000), 149 C.C.C. (3d) 449 (S.C.C.) 243
- *R. v. Morelli*, 2010 S.C.C. 8, 252 C.C.C. (3d) 273 257

III. POLICE DETENTION

Charter, ss. 9, 10

Stuart, Delisle & Quigley: pp. 248-78, 337-67

- *R. v. Grant*, 2009 S.C.C. 32 [extract] 285
- *R. v. Suberu*, 2009 S.C.C. 33 311
- *R. v. Mellenthin* (1992) 76 C.C.C. (3d) 481 (S.C.C.) 325
- *Brown v. Regional Municipality of Durham* (1998), 131 C.C.C. (3d) 1 (Ont. C.A.) 331
- *R. v. Nolet*, 2010 SCC 24, 256 C.C.C. (3d) 1 347

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Stuart, Delisle & Quigley: pp. 231-48, 278-83, 296-304, 427-39

Dawe & McInnes Supplement:

- *R. v. Feeney* (1997), 115 C.C.C. (3d) 129 (S.C.C.) 361
- *R. v. Cornell*, 2010 S.C.C. 31, 258 C.C.C. (3d) 429 401
- *R. v. Godoy* (1998), 131 C.C.C. (3d) 129 (S.C.C.) 423
- *R. v. Sinclair*, 2010 S.C.C. 35, 259 C.C.C. (3d) 443 431

V. JUDICIAL INTERIM RELEASE

Criminal Code, ss. 515-526, s. 145, ss. 766-7, ss. 679-680, s. 683(5) and s. 261

Stuart, Delisle & Quigley: pp. 625-63

Dawe & McInnes Supplement:
- *R. v. Henry* (2005), 202 C.C.C. (3d) 449 (S.C.C.) 467

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Charter, ss. 7 and 11(d)

Stuart, Delisle & Quigley: pp. 665-711

- *R. v. Stinchcombe* (1992), 68 C.C.C. (3d) 1 (S.C.C.) 481
- *R. v. McNeil* (2009), 238 C.C.C. (3d) 353 (S.C.C.).....491

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Criminal Code, ss. 535-572 (Parts XVIII and XIX); ss. 603-05, 625.1, 645(5) & 650(3)

Stuart, Delisle & Quigley: pp. 713-26

Dawe & McInnes Supplement:
- *R. v. Stewart* (1988), 44 C.C.C. (3d) 109 (Ont. C.A.) 507
- *R. v. Panzevecchia* (1997), 115 C.C.C. (3d) 476 (Ont. C.A.) 511
- *R. v. Hoffman*, September 15, 1992 (Ont. C.A.).....515
- *Re Cover and The Queen* (1988), 44 C.C.C. (3d) 34 (Ont. H.J.C.).....521
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VIII. FORM OF THE INDICTMENT, JOINDER AND SEVERANCE

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Stuart, Delisle & Quigley: pp. 818-25; 835-72

Dawe & McInnes Supplement:
- *Cote & Vezina v. The Queen, supra*.....23
- *R. v. Saunders, sub. nom. Rooke & Devries* (1990), 56 C.C.C. (3d) 220 (S.C.C.).....527
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- *R. v. Clunas* (1992), 70 C.C.C. (3d) 115 (S.C.C.) 543
- *R. v. Hulan,* [1970] 1 C.C.C. 36 (Ont. C.A.) 551

IX. THE RIGHT TO TRIAL WITHIN A REASONABLE TIME

Charter, s. 11(b) and s. 7

Stuart, Delisle & Quigley: pp. 760, 769-94, 779, 789-818

Dawe & McInnes Supplement:
- *Collins and Pelfrey v. The Queen* (1995), 99 C.C.C. (3d) 385 (S.C.C.).....559

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Criminal Code, ss. 606-614 and ss. 660-62

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Dawe & McInnes Supplement:
- *R. v. R.(G.),* 2005 S.C.C. 45, 198 C.C.C. (3d) 161.....565
- *R. v. Moore* (1988), 41 C.C.C. (3d) 289 (S.C.C.).....577
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XII. ROLES OF DEFENCE COUNSEL AND PROSECUTOR

Stuart, Delisle & Quigley: pp. 565-623